

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIA STOCKING,

22 CV 07347 (ER)

Plaintiff,

-against-

NEWMARK KNIGHT FRANK

VALUATION & ADVISORY, LLC,

Defendants.

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PLAINTIFF’S MOTION TO RESCIND

Plaintiff, Maria Stocking, hereby moves this Court to rescind the previously filed *Plaintiffs Motion To Vacate All Judgements And Orders Issued by the Florida District Court, Specifically Jury Trail Waiver and Any Limitations on Damages* dated August 15, 2024 on the grounds that Plaintiff is pursuing a revised legal strategy and is also facing some matters that have impacted her desire to continue with the previous motion. This motion is made pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, and is based on the following:

REVISED LEGAL STRATEGY

Plaintiff has reassessed the legal approach in this case and, after careful consideration, has decided to pursue a revised strategy. This revised strategy focuses on addressing the efficient submission of Plaintiff’s compelling discovery. Both of Plaintiff’s former attorneys knew of the existence of critical evidence that Plaintiff asked them to submit, yet both attorneys failed to act and not submit

it during discovery, resulting in their imposition of a three-year delay in the proceedings. Plaintiff is committed to being efficient with the court's time.

Broader procedural and substantive issues that have come to light during the litigation, as detailed in the attached *Declaration of Maria Stocking* and *Motion to Appoint Special Master and Assign Independent Counsel*. Furthermore, I will not be rescinding any other motions filed related to this case. Plaintiff is solely rescinding her motion to vacate Florida judgements

PERSONAL MATTERS:

Plaintiff is currently occupied with matters that have impacted her desire to fully engage with and continue pursuing the previous motion. These personal circumstances have necessitated a reevaluation of the legal strategy and a shift in focus to ensure that Plaintiff can manage both her personal and legal obligations effectively. Rescinding the prior motion will allow Plaintiff to address her matters while pursuing a revised legal strategy that better aligns with the current circumstances.

REQUEST FOR RELIEF:

Plaintiff respectfully requests that this Court rescind the previously filed Plaintiff's *Motion to Vacate All Judgments and Orders Issued by The Florida District Court, Specifically Jury Trial Waiver and Limitations on Damages*, in order to allow Plaintiff to pursue the revised legal strategy effectively while experiencing her personal life. This rescission is essential to ensure that Plaintiff can fully address the procedural and substantive issues that have arisen in this case.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully asks this Court to grant this Motion to Rescind the previously filed *Plaintiff's Motion to Vacate All Judgements and Orders Issued By The Florida District Courts, Specifically Jury Trial Waiver and Any Limitations on Damages* and to provide any further relief the Court deems appropriate.

Respectfully submitted,

Dated: August 24, 2024

/s/Maria Stocking

Miami, Florida

Maria Stocking

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Plaintiff